

**VIRGINIA ABC SUMMARY SUSPENSION Docket - Case Scheduled: Week of August 5, 2019**

REGION(S)

DATE(S)

SITE(S)

Richmond

August 7, 2019 &amp; August 8, 2019

Richmond Central Office

2901 Hermitage Road, Richmond, VA

Licensee/Number	Objections/Charges	Attorneys	Agents	Contacts		FORMAL HEARING Date/Time	
				Subpoena	Notify		
IMAGE NIGHT CLUB RESTAURANT AND LOUNGE LLC IMAGE RESTAURANT AND LOUNGE 1713 EAST MAIN STREET RICHMOND, VIRGINIA 23223-6959 090831 – MB Inc. #201807070052  Mailing: By Email: <a href="mailto:paul.curley@sixeastlaw.com">paul.curley@sixeastlaw.com</a>	1. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a “restaurant” within the meaning of Sections 4.1-100 and 4.1-210 and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 D. (Mixed Beverage Restaurant) 2. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a “restaurant” within the meaning of Sections 4.1-100 and 4.1-210 and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110. (Wine & Beer On Premises) 3. The licensee failed to timely submit to the Board the annual review report for the year ending (03/01/2018 – 02/28/2019), in violation of 3 VAC 5-70-90 D. and Sections 4.1-114 and 4.1-225 1.b. of the Code of Virginia. (Mixed Beverage Restaurant) 4. On 6/25/19, between 2100 hours and 2359 hours, the licensee conducted a happy hour contrary to regulations of the Board, in violation of 3 VAC 5-50-160 and Section 4.1-225 1.b. of the Code of Virginia. (Wine & Beer On Premises and Mixed Beverage Restaurant) 5. On or about 6/26/2019, the licensee failed to comply to take reasonable measures to prevent an act of violence resulting in a death or serious bodily injury, or a recurrence of such acts, from occurring on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises, in violation of 4.1-22531-Q. (Wine & Beer On Premises and Mixed Beverage Restaurant) 6. During the preceding license year (03/01/2017 – 02/28/2018), based on the gross receipts from the sale of food and nonalcoholic beverages, and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-210, 4.1-114 and 4.1-225 1.b. of the Code of Virginia. (Mixed Beverage Restaurant)	W. C. MAXEY, ESQ. PAUL CURLEY, ESQ.	J. W. Helton S. S. Longnecker D. L. Joyner S. S. Dowling K. M. Christian M. A. Cooper J. C. Sandhofer	A. Papaleo G. Gould E. Marshall M. Fecht J. Harper		August 7, 2019 August 8, 2019	9:00 a.m. 9:00 a.m.
<b>SUMMARY SUSPENSION HEARING</b>							

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	<p>7. During the preceding license year (03/01/2018 – 02/28/2019), based on the gross receipts from the sale of food and nonalcoholic beverages, and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-210, 4.1-114 and 4.1-225 1.b. of the Code of Virginia. (Mixed Beverage Restaurant)</p> <p>8. Between June 26, 2019, at 1330 hrs and July 2, 2019, at 1530 hrs, the licensee failed to keep complete, accurate and separate records, in violation of 3 VAC 5-70-92 and Sections 4.1-204 and 4.1-225 1.b. of the Code of Virginia. (Wine &amp; Beer On Premises &amp; Mixed Beverage Restaurant)</p> <p>9. The licensee has been delinquent for 90 days or more in the payment of any taxes or any related penalties or interest lawfully imposed by the locality where the licensed business is located, in violation of Section 4.1-225 6. of the Code of Virginia. (Wine and Beer on Premises and Mixed Beverage Restaurant)</p>						

Instructions: